

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.17436 OF 2004

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DATED: 17-7-2007

Between:

Sri Venkateswara Non-Ferrous Foundry
rep. by its Managing Partner Amarchand
Kothari, 19/5, Industrial Area, Azamabad,
Hyderabad.

.. Petitioner

and

The Dy. Commissioner of Labour T.C.'s,
Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.17436 OF 2004

ORDER:

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This writ petition is filed questioning the show cause notice, dated 17.7.2004, issued to the petitioner by the 2nd respondent.

The only point raised by the petitioner is that the 2nd respondent-Labour Officer, Circle-IV, Hyderabad, who inspected the petitioner-foundry for the purpose of verifying as to whether minimum wages are being paid to the employees of the petitioner-foundry, has no authority, under the law, to do so. He has no territorial jurisdiction to conduct such inspection and issue show cause notice. Therefore, the issuance of very show cause notice is arbitrary and illegal.

Generally speaking, against a show cause notice, no writ petition lies, unless some substantial grounds like jurisdiction, malafides etc. were attributed. In the instant case, of course, the learned counsel for the petitioner says that the 2nd respondent has no jurisdiction to issue such notice.

I am of the opinion that the petitioner should have taken the said plea before the 2nd respondent, after the impugned show cause notice was issued. The petitioner can offer an explanation questioning the territorial jurisdiction of the 2nd respondent for inspecting the premises for the purpose of enquiring into the aspect of payment of minimum wages to the employees etc., and for issuing show cause notice, and

invite an order on merits. Instead of doing that, he has hurriedly approached this Court and obtained stay of all further proceedings pursuant to the impugned show cause notice.

In view of the above, the petitioner is directed to submit explanation to the impugned show cause notice, within a period of two weeks from the date of receipt of a copy of this order, and, on such explanation, the 2nd respondent is directed to consider the same including the jurisdictional aspect and pass appropriate orders as per law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

17th July, 2007
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